

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6464

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTHONY WILKINS, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. John T. Copenhaver, Jr., District Judge. (2:07-cr-00149-1)

Submitted: July 27, 2010

Decided: August 6, 2010

Before TRAXLER, Chief Judge, and WILKINSON and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Anthony Wilkins, Jr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Anthony Wilkins, Jr., appeals from the district court's order denying his 18 U.S.C. § 3582(c)(2) (2006) motion in which he sought to have his sentence reduced beyond the two levels afforded by Amendment 706 to the Sentencing Guidelines. Wilkins' contention that he is eligible for sentencing anew and application of Kimbrough v. United States, 552 U.S. 85 (2007) (holding that district courts may consider the crack-to-powder-cocaine guideline sentencing ratio as a possible basis for variance from the guidelines) is without merit. See Dillon v. United States, 2010 WL 2400109 (U.S. June 17, 2010) (No. 09-6338) ("By its terms, § 3582(c)(2) does not authorize a sentencing or resentencing proceeding," it merely provides for modification of the term of imprisonment.); United States v. Dunphy, 551 F.3d 247, 251-53 (4th Cir.), cert. denied, 129 S. Ct. 2401 (2009). We have reviewed the record and find no abuse of discretion and no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Wilkins, No. 2:07-cr-00149-1 (S.D.W. Va. filed Mar. 4; entered Mar. 5, 2010). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED